

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALFREDO ARAGONEZ,

Petitioner,

v.

Civ. No. 19-238 KG/CG


RAUL TORREZ, *et al*,

Respondents.

ORDER OF DISMISSAL

This matter comes before the Court following Petitioner's failure to respond to the Order to Cure Deficiencies, entered April 25, 2019. (Doc. 2). That Order set a deadline of May 27, 2019 for Petitioner to: (1) address the \$5 filing fee for this habeas action; and (2) clarify whether he challenges his state criminal judgment or the prison's execution of that judgment. (Doc. 2) at 2. The Order warned that the failure to timely comply will result in the dismissal of this action without further notice. *Id.* Petitioner did not respond to the Order or otherwise show cause for such failure. The Court will therefore dismiss this action without prejudice under Fed. R. Civ. P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) ("Rule 41(b) ... has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the ... court's orders.").

IT IS ORDERED that the Habeas Corpus Petition (Doc. 1) is **dismissed without prejudice**; and the Court will enter a separate judgment disposing of this civil case.


UNITED STATES DISTRICT JUDGE